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Docket #
cc 97-213

MAY 11 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the matter of:

Comments sought by the Federal
Communication Commission in
response to Petitions for Rulemaking
received by the commission pursuant
to the Communication Assistance
for Law Enforcement Act of 1994

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DA 98-762

I. Introduction

Redcom Laboratories is a manufacturer of a wide range of relatively small switching platforms including types used by Local Exchange Carriers for end office applications. As such, our equipment and our customers will be affected by the commissions ruling on the Petitions for Rulemaking received by the commission. Our customers tend to be small rural providers and Redcom itself is probably the smallest manufacturer of central office switching equipment in the United States. Therefore our perspective on some of the issues raised by the Petitions noted in DA 98-762 may be somewhat different than comments from larger companies.

II. TIA Petition support

Redcom fully supports the four recommendations of the TIA Petition for Rulemaking¹. We believe that it is vital that the Commission announce at the beginning of its rulemaking that enforcement of CALEA is suspended until the Commission issues its final ruling. We also believe that the Commission should immediately establish a reasonable compliance schedule of at least 24 months to implement CALEA requirements of the Commissions final decision.

The inability of law enforcement and the telecommunication industry to agree on what Congress intended has brought us to the point we are at today. The continuing inability of the various groups to reach consensus has resulted in J-STD-025 not being released until December of 1997, it is an Interim standard, and it is being challenged as deficient. This has created a great deal of uncertainty in the industry. As a result, it will be impossible for most manufacturers to implement J-STD-025 by the current deadline of October 25, 1998 and because of the current challenges, implementing J-STD-025 will expose manufacturers to potentially significant amounts of additional work or rework.

The work and time required for a manufacturer to implement CALEA functionality into their switching platforms is roughly the same for most manufacturers. However the impact, as a percentage of resources on a small manufacturer such as Redcom, is far greater than on large switch manufacturers such as Lucent or Ericsson. Therefore the consequences of incorrectly guessing what will ultimately be required to meet CALEA is far greater on small manufacturers than on large manufacturers.

The CALEA standard must be stable and free from challenge so that switching platform manufacturers can implement CALEA without the worry of impending deficiencies and the associated consequences. The FCC has been petitioned to rule on the current standard and whether it is deficient. If the commission determines that the current J-STD-025 is deficient, the commission should specifically identify those deficiencies and remand the technical work of updating the standard to the group that originally created the standard. Once the CALEA standard is stable, manufacturers, especially small manufacturers, need a reasonable amount of time to implement the standard into their switching platforms. At least 24 months as suggested by the TIA seems reasonable. Following the recommendations in the TIA Petition for Rulemaking¹ would

insure that CALEA implementation can move forward in a reasonable and expedient manner.

II. Center for Democracy and Technology Petition support

The Petition for Rulemaking filed by the Center for Democracy and Technology² notes that compliance with CALEA has not been reasonably achievable with respect to equipment installed after January 1, 1995. As a manufacturer of such equipment, we agree.

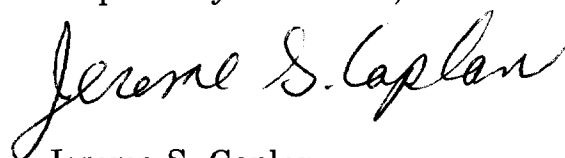
As mentioned previously, the lateness of standards, the lack of agreement between the industry and law enforcement and the resulting uncertainty prevented implementation of any viable CALEA solution on any of our switching products. Therefore switching products sold after January 1, 1995 did not have any CALEA solution implemented. These switches cannot be brought into compliance until we design a solution. We, as a manufacturer, cannot do that until we know exactly what the requirements are in order to be in compliance. Resolving the Petitions for Rulemaking on CALEA that are currently before the Commission will allow us to proceed with designing a solution for our equipment.

III. Additional comments

The Petition for Rulemaking by the Center for Democracy and Technology² finds J-STD-025 is deficient for going too far and the Joint Petition for Rulemaking by the FBI and Justice Department³ find J-STD-025 deficient for not going far enough in implementing the Communication Assistance for Law Enforcement Act of 1994. While we are not going to comment on the specific merits of these petitions or lack thereof, we do ask that the Commission consider these petitions in the context of what Congress intended.

Both petitions point out that it was not the intent of Congress to expand law enforcement's electronic surveillance capability or authority. The intent of Congress was to provide law enforcement with the ability to obtain the same level of surveillance information from newer digital telecommunication switching platforms with enhanced features that law enforcement had been previously able to obtain from older analog switching platforms. In addition, because of its concern for privacy issues, Congress added additional privacy protection to CALEA for certain types of surveillance. In acting on the deficiency issues raised by the petitions, the Commission should rule on their merits based solely on Congress' intent.

Respectfully submitted,



Jerome S. Caplan
Director of Compliance
and System Certification

May 5, 1998

Redcom Laboratories, Inc.
One Redcom Center
Victor, NY 14564
(716)-924-7550

¹ Petition for Rulemaking submitted by TIA dated April 2, 1998 as noted in Public Notice DA 98-762.

² Petition for Rulemaking submitted by the Center for Democracy and Technology dated March 26, 1998 as noted in Public Notice DA 98-762.

³ Joint Petition for Expedited Rulemaking submitted by the FBI and the U.S. Department of Justice dated March 27 1998 as noted in Public Notice DA 98-762